



often bump into Zara and her family at national tournaments. Each time, he was taken with Zara's talent.

Zara's dream came true in the summer of 2016 leading into her senior year of high school. Wes offered Zara a full scholarship to fence for Penn State. But Zara did not yet know the dark side of Wes Glon and Penn State fencing. The team was a hotbed for sexual assault and gender discrimination. It was well known that Wes relegated his female fencers to second class citizens, while prioritizing his male fencers. And Wes tormented Zara for years—criticizing her appearance, hurling sex-based insults at every opportunity, and verbally and psychologically abusing her. Wes also physically assaulted Zara during her freshman year.

Wes's conduct towards women fencers was no secret. Penn State athletic directors and administrators knew about or had observed Wes's egregious behavior towards female fencers. But Wes's prestige, influence, and connections were more important to Penn State than protecting its athletes. So, Penn State did nothing. Indeed, when Zara formally reported Wes's conduct to Robert ("Bob") Boland, Penn State's Athletics Integrity Officer, Mr. Boland acknowledged that the school had received numerous reports of sex discrimination on the team. Yet, Mr. Boland threw up his hands, conceding, "well, it's hard to find fencing coaches." Upon information and belief, Penn State never investigated or attempted to remedy the problem.

Because of Penn State's deliberate indifference towards Wes's sex discrimination, Zara will likely never fence competitively again. She had a clear path to the Olympics. Now, she can barely hold a sabre without having a panic attack. Because of Wes's abuse, Zara developed an eating disorder, body dysmorphia, panic and anxiety symptoms, and significant insecurities. After fencing for Penn State, Zara did not know who she was anymore. In short, Zara's two loves—fencing and Penn State—broke her.

### **PARTIES**

1. Plaintiff Zara Moss is a former Pennsylvania State University (“Penn State” or the “University”) honors student and athlete. She attended Penn State from 2017–2021. She was a four time All-American on Penn State’s Division I varsity fencing team. Zara is a resident of Pittsburgh, Pennsylvania.

2. Defendant Penn State is a major, public university that receives state and public funding and is located in Centre County, Pennsylvania. Penn State is independently governed and is associated with Pennsylvania’s Commonwealth System of Higher Education. Penn State’s fencing program, coached by Wes Glon, is the most decorated program in the University’s history.

3. Defendant Wes Glon is the head coach of Penn State’s fencing program. He joined Penn State over 30 years ago and was promoted to head coach in July 2014.

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction under 28 U.S.C. §1331 because Plaintiff’s claims arise under Title IX of the Education Amendments Act of 1972, 20 U.S.C §1681, *et seq.* In *Cannon v. University of Chicago*, 441 U.S. 677, 709 (1979), the United States Supreme Court concluded that a victim of sex discrimination may pursue a private cause of action against a federally funded educational institution for a violation of Title IX.

5. Plaintiff has also stated claims under the laws of the State of Pennsylvania, including, negligence/gross negligence, failure to train/supervise, and negligent and/or intentional infliction of emotional distress. Those state causes of action are so related to Plaintiff’s other claims in this case, over which this Court has original jurisdiction, that they form a part of the same case or controversy under Article III of the United States Constitution. This Court, therefore, has supplemental jurisdiction over Plaintiff’s common law claims under 28 U.S.C. §1367.

6. This Court is a proper venue for this action under 28 U.S.C §1391(b)(2) because a substantial part of the events, acts, or omissions giving rise to the claims occurred in this district.

### **BACKGROUND**

#### **Zara Fell in love with Fencing at Just Seven Years Old.**

7. Zara first learned about fencing when she was seven years old. She watched a fencing demonstration in gym class, and it sparked something in her. She began competing in tournaments. Her parents believed fencing would be a fun, recreational activity for Zara. But it became something much more.



Zara Moss (age 7) at the Fencing Institute of America Tournament on May 12, 2007, in Pittsburgh, Pennsylvania. (Photo courtesy of Julie Moss)

8. Beginning in sixth grade, Zara attended yearly Penn State fencing camps. Zara's dream was to attend college at Penn State. So she was thrilled when Penn State's renowned fencing coach, Wes Glon, took an interest in her. In October 2012, when Zara was 13 years old, she competed in her first North American Cup in St. Louis, Missouri. Wes watched Zara compete and spoke with her and her family, offering Zara feedback and pointers. Zara was hopeful that Wes's interest in her talent would lead her to Penn State. Over the years, and throughout her high school fencing career, Zara would see Wes at tournaments. When Zara began to outgrow her Pittsburgh

fencing club, Wes referred her to a top club in New Jersey. That program and its coaches launched Zara into elite status and shaped the trajectory of her future in the sport.

9. Zara's dreams came true in July 2016, when Wes offered Zara a full scholarship to fence for Penn State. Wes had big plans for Zara. He was friends with Edward Korfanty, the U.S. National Women's sabre coach and Olympic sabre coach. In July 2017, Korfanty invited Zara to attend the Senior World Championship in Germany as the team alternate.

10. As Zara began spending more time with Wes, she saw a darker side to him. She heard rumors of his vindictive nature and saw, firsthand, his ability to leverage his power and prestige in the fencing community. Zara kept what she saw to herself for this very reason—she wanted to maintain her scholarship and pursue her dream of fencing at Penn State, and likely, the Olympics. But as described below, Wes ruined fencing for Zara. She grew to hate the sport she once loved. In March 2021, Zara reported Wes's abuse to Penn State athletics compliance and Title IX officials. They were not surprised by her reports. Wes's misconduct and the deeply rooted sexism on the team was a fact of life. Still, Penn State did nothing. Now, Penn State must be held accountable for its decision to abandon its women fencers.

**Zara's Freshman Year**  
**(2017/2018)**

11. Wes tormented Zara from the start. He hounded her about her weight—something he never did to male fencers. Wes held his women fencers like Zara to different standards than the men's team when it came to body weight. Based upon misogynistic and stereotypical ideals of beauty and physical appearance, Wes would hone in on the women fencers' bodies. He criticized Zara's weight often. By October 2017, Zara had developed an eating disorder. And Wes liked that. He praised Zara when she looked "skinny" and disparaged her when she gained a pound. Zara lost fifteen pounds in her first few months at Penn State. Almost daily, she sent her

mom troubling text messages about her newfound disdain for her own body. Wes did not hold his male fencers to these same ideals of beauty and thinness. Those expectations, based on sex-based stereotypes, were reserved for Zara and her fellow women fencers.

12. Despite Zara's strong performance, Wes took every opportunity to degrade and verbally abuse Zara. Cruelly, he told her she was a waste of his time and valuable scholarship money. He criticized everything she did, and Zara was in constant fear that Wes would take away her scholarship. Consequently, Zara developed panic and anxiety symptoms requiring medication. She became a shell of herself and lived in fear of Wes.



Zara, at the "break at 8" during her freshman year NCAAs in March 2018. (Photo Courtesy of Julie Moss)

13. Wes singled out the women fencers. For example, Wes called a meeting for the women's squad after the first day of Zara's first NCAAs. Still, he screamed at them, telling them he regretted recruiting each of them. The women were in second place. Throughout the tournament, Wes berated the women and complained to anyone who would listen that Penn State women sabre fencers never win the national championship, but the male fencers do. What was the reason Wes offered for that perceived difference? Because women fencers' performance varies

depending on whether they are menstruating at the time of their performance or not. According to Wes, this made Zara and her fellow female teammates inconsistent performers compared to their male, non-menstruating counterparts.

14. Wes's conduct went beyond mental abuse. In January 2018, Zara's teammate advised Zara to get checked for a concussion. Wes told Zara she was simply being overly emotional and sensitive because she was on her period—which, by the way, she was not. He prohibited Zara from seeking medical attention and forced her to train despite her clear concussion. Zara was forced to see the athletic trainer behind Wes's back. This was not the only time Wes forced Zara to compete while seriously injured. In fact, this was a pattern for Wes when it came to women fencers. He routinely forced the women fencers to compete despite serious physical injuries, whereas he encouraged the men to seek treatment and recover from similar or identical injuries. This is because Wes believed that men were, stereotypically, tougher and more macho than women, and that women exaggerated and were overdramatic. So, when men complained of injuries, Wes believed them and took their complaints seriously. But when women came to him with similar or worse injuries, he dismissed them as overdramatic or potentially hormonal girls.

15. Things took a turn for the worse when Wes physically abused Zara her freshman year. During a lesson, Wes forced Zara to fence him without equipment. Through tears, Zara begged Wes to allow her to wear protective fencing gear. He refused. Wes hit Zara over and over while she sobbed and pleaded with him to stop. Wes left Zara with bruises and scars that lasted over a year.

16. Others in the fencing community took notice of Wes's abuse. For example, the president of USA Fencing, Don Anthony, approached Zara's parents at the 2018 World Cup, commenting that he had heard that Zara was struggling under Wes's coaching. And several months



later, at the Junior World Championship in Italy in April 2018, Zara, a once strong and fierce competitor, was seen huddled in a corner. At the Junior World Championship, numerous concerned coaches, and parents, as well as USA Fencing's team psychologist approached Zara's mom Julie about Wes, but nothing was ever done.

17. Wes's abuse was particularly demeaning and humiliating because it was based on Zara's sex. Wes believed women fencers were weak and dramatic. Zara was anything but. Yet because of Wes's relentless abuse, Zara often suffered severe panic attacks that left her unable to breathe. But she had to suffer in silence—escaping to the bathroom during practices so Wes would not see her “weakness.” One day, Wes told Zara she must have a bladder infection given how often she was using the restroom. Wes felt comfortable making these inappropriate comments because he believed, as a man, he could freely comment upon the shape, size, and internal functioning of women's' bodies.

**Zara's Sophomore Year**  
**(2018/2019)**

18. Zara had ankle surgery in June 2018 when she was a rising sophomore. Zara gained some weight while recovering, and Wes viciously told her she was “better when she was skinny.” Again, Wes had stereotypical visions of beauty and physical appearance for women—namely, that they be thin. Wes forced Zara back into competing too soon after her surgery, slowing her recovery. Again, he did not take her condition or surgery seriously because he thought Zara, as a woman, was a complainer prone to whining and exaggeration. To make matters worse, Wes blamed Zara's stunted recovery on her weight. Wes's obsession with Zara's weight again fueled Zara's eating disorder and problematic relationship with food and her body. Indeed, Wes even acknowledged that he knew Zara was not healthy when she was “so skinny.” But according to Wes, girls were supposed to be thin. And he never attacked the male fencers when they gained



weight—just Zara and other women fencers—because Wes bought into societal standards monitoring every fluctuation in a woman’s weight as opposed to men, who are not harshly criticized for gaining a few pounds.

19. In March 2019, Zara saw Penn State sports psychologist, Brendan Carr. Zara told Carr about Wes’s physical abuse her freshman year and her fear of her coach. She also shared that she developed an eating disorder because of Wes’s constant body shaming.

20. Zara’s fencing performance took a hit because of Wes’s conduct. But Wes refused to acknowledge his role. Rather, he hurled sex-based criticisms at her, telling her for example, that the reason she was “not good anymore” was because she “needed a boyfriend.” Again, Wes subscribed to the stereotype that a woman needs a man to be happy. Wes also often screamed at Zara and the women fencers and assistant coach, Johanna, and volunteer assistant coach, Desirae, publicly humiliating and shaming them. He felt he could treat the women fencers this way because he placed himself and the other men in a higher class than the women. So he spoke to them any way he wanted, while cracking jokes and befriending his male buddy coaches and players.

21. Zara’s second national championship was a repeat of her first. Zara finished second. Nonetheless, Wes was disappointed and publicly blamed the women’s team’s performance on their sex. He bemoaned women as just not being as strong of athletes as men, even though Zara finished second, and tried to convince anyone who would listen that women fencers were vulnerable to inconsistent performance because of their hormones and menstrual cycles.

**Zara's Junior and Senior Years**  
**(2019–2021)**

22. By her junior year, Zara's panic symptoms stemming from Wes's relentless abuse were so severe she had to forego competing internationally. To make matters worse, she was battling a wrist injury requiring cortisone shots. Wes accused her of faking her injuries to get out of practices—calling her “lazy” and a “disappointment.” Meanwhile, Zara's male teammate, Seba, had the same injury. Unlike Zara, Wes believed Seba and encouraged him to rest and recover to avoid inflaming his wrist more than necessary. Zara asked Wes for similar relief—requesting to be substituted so she could preserve her wrist for later, more important bouts. Wes refused and forced Zara to push through while her male teammate healed. Again, Wes believed that men are tough and complain only when seriously struggling, whereas women are weak, overly emotional, sensitive, and prone to exaggeration about their injuries. Zara paid the price physically and mentally when, as a Division One athlete, she could not rely upon her coach to allow her injuries to heal before placing herself at risk physically by competing before she was ready.

23. The COVID-19 pandemic hit during the spring semester of Zara's junior year. Zara qualified to compete in the NCAAs, but it was canceled due to the pandemic. Zara's Senior year was largely interrupted by the global pandemic. Zara continued to struggle with chronic wrist pain and developed excruciating leg pain later diagnosed as chronic compartment syndrome, a condition experienced by athletes caused by intense, repetitive exercise. Penn State doctors warned Zara that she could sustain permanent nerve damage if she did not rest and recover. But Zara's mental and physical wellbeing meant nothing to Wes. He prohibited Zara from seeing the Penn State doctor who cautioned her to take it easy. Then, Wes lied to Zara, reassuring her that she was cleared to practice every day when, in reality, even three practices a week placed her at risk for permanent nerve damage. Yet when Zara's male teammate, Clem, sprained his ankle, Wes

had him sit out on training sessions and tournaments to allow him to heal. Said simply, Wes applied different rules to his men and women fencers based upon his misogynistic and outdated views of men and women that ultimately placed the women on the team in significant danger.

24. All the while, Wes still fixated on Zara's physical appearance and weight. Zara, suffering from disordered eating and body dysmorphia, reveled in any praise from Wes that she looked "skinny" as he preferred girls to be.

25. On March 10, 2021, Zara scheduled a meeting with Bob Boland, Penn State's Athletics Integrity Officer. On March 17, 2021, Zara met with Mr. Boland and reported Wes's abuse. Specifically, she reported, among other things, Wes's verbal abuse towards the women fencers and the danger Wes placed them in when he forced them to compete while injured.

26. When Zara mentioned that Wes held his men and women fencers to different standards based upon his sexist ideals of how men and women should look and behave, Mr. Boland responded that Penn State compliance had already received numerous reports of sexism from Wes on the fencing team. Mr. Boland then made his priorities clear. He advised Zara to wait until after the after the NCAAs to schedule another meeting to discuss Wes's conduct to avoid "rocking the boat" before the national championship.

27. Zara competed in the NCAAs, and on April 7, 2021, met with Mr. Boland, along with Matt Stolberg, Penn State's Associate Athletics Director for Compliance, and Christopher James Harris, Penn State's Title IX investigator and compliance specialist. Zara reported Wes's misconduct, detailing the years of suffering she endured on the team. Mr. Boland commented that Wes's differential treatment of men and women fencers could support a Title IX claim and warranted further investigation. When Zara expressed her belief that Wes should be removed from the team, Mr. Boland dismissively responded, "well, it's hard to find fencing coaches." Mr.

Boland and his colleagues then asked Zara for the names of other women fencers who could corroborate her reports. Zara provided two names—Isabella Zuzulo and Barbara Vanbenthuyzen. Isabella Zuzulo had struggled with injuries for years. Wes knew about Isabella’s injuries—indeed, she suffered from similar injuries when she was recruited to Penn State. In the spring of 2021, Wes suspended Isabella from the team for “lying about her injuries” and directed her—despite her sobs and pleas—to clear her locker and get out. Wes lied to Isabella’s teammates, telling them that Isabella had quit the team. Similarly, Barbara Vanbenthuyzen, suffered from ankle injuries for years, yet Wes repeatedly forced her to train and compete while injured. After Zara reported Wes to Penn State, she was hopeful that the University would do its job and that women fencers could once again enjoy their sport and college experience. But Zara never heard from Mr. Boland or Penn State again.

**Wes’s Harassment Was Severe, Pervasive, and Based on Zara’s Gender**

28. Said simply, Wes put Zara through hell because she was a woman. Title IX prohibits gender-based harassment, which includes “acts of verbal, non-verbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.” See U.S. Dep’t of Ed., Office of Civ. Rights, *Dear Colleague Letter: Sexual Violence*, Russlynn Ali (Apr. 4, 2011). Crucial here, Wes Glon was a giant in the national and international fencing community. The unequal power relationship and age disparity between Wes and Penn State’s women fencers fueled the hostile environment and discrimination. Wes’s sex-based discrimination permeated the team setting.

29. Wes felt comfortable publicly discussing the women fencers’ bodies. On an ongoing basis, Wes berated Zara for her weight. He blamed any performance issues on any slight weight gain and frequently told Zara that she should be “skinny” even if she wasn’t healthy.

30. When traveling to tournaments, Wes expected the women fencers to don perfect hair and makeup to conform to his views of how girls and women should look. These same standards did not apply to the male fencers as Wes was guided by his stereotypical notions of how important it is for girls and women to be pretty.

31. In addition to expecting the women fencers to be skinny, wear makeup, and have perfect hair, Wes conformed to the stereotypical belief that women should shave their body hair. When one of Zara's teammates stopped shaving her legs, Wes called her disgusting in front of her teammates.

32. Instead of focusing on shaping these women as individuals and athletes, Wes drew out these women's insecurities, making them feel ashamed and small, rather than the strong, talented athletes they were. The men's fencers did not have to deal with these criticisms unrelated to their fencing careers. They were allowed to focus on their sport and career as Division One athletes.

33. Wes also routinely and publicly demeaned and humiliated the women fencers for being on their periods. He blamed their emotions on their periods and commented that women's fencing performance was unreliable because so much depended upon whether a woman was on her period at the time. When Zara would retreat to the restroom for a moment of solace from Wes's verbal abuse, Wes insisted she had a bladder infection because of the frequency she was using the restroom. Wes never commented on the physical features of his male fencers' bodies, their bathroom habits, or the health of their bladders. That's because Wes viewed women like Zara as less than. So he felt comfortable verbally poking and prodding them about everything from their body hair, weight gain, physical appearance, clothes, menstrual cycles, and bodily functions.

34. Wes's disrespect and disregard for women was palpable. In December 2017, Wes's assistant coach, George ("Gia") Abashidze, was accused of groping a non-Penn State women's fencing coach, Jen Oldham, on a flight home from a competition. Specifically, Ms. Oldham said that Gia repeatedly asked her for sex, touched her knee, arm, and upper leg, and then grabbed her crotch. Ms. Oldham informed Wes of his colleague's assault. Yet Wes was more concerned about how Ms. Oldham's allegations would affect Gia than about her or his women athletes. Wes told Ms. Oldham he did not intend to report the incident and that no one would believe her. Ms. Oldham's husband reported the incident to Penn State's Vice President for Intercollegiate Athletics, Sandy Barbour. Penn State investigated the incident and terminated Gia but left Wes in place. According to an internal Penn State report on this investigation, Wes deemed Ms. Oldham's accusation "difficult to believe." In August 2021, SafeSport, an independent organization focused on ending all forms of abuse in sport, and federally authorized under the Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017 (Public Law No. 115126, 2/14/2018), and aimed at reducing misconduct in Olympic sports, suspended Wes for three years for failing to report Ms. Oldham's complaint, retaliating against Ms. Oldham, and abuse of process. Wes appealed and, in November 2021, an arbitrator overturned SafeSport's suspension, and Penn State reinstated Wes as head coach. As a slap on the wrist, Penn State placed Wes on probation for six months for failing to report the sexual assault allegations. In sum, Penn State made clear to its women athletes that it prioritized keeping a famous male coach over protecting women athletes and coaches. Again, Wes believed women exaggerated and did not take seriously or even believe another professional fencing coach, who accused his own assistant coach of serious sexual assault.

35. To say Wes held women and male fencers to a double standard would be a gross understatement. When women fencers had a minor infraction, Wes publicly shamed them or stripped them of their leadership titles. Meanwhile, members of the male fencing team were accused of rape and sexual assault, and Wes simply carried on with the status quo. Indeed, one of Zara's male teammates landed in the hospital with alcohol poisoning and threw a diaper filled with his feces at a nurse, who pressed charges against him. Wes found the incident humorous, later laughing along at a year-end banquet when male fencers joked about the incident during their senior speeches. Male seniors gave speeches in which they joked about currently being drunk and about their numerous infractions during their Penn State careers. Women seniors' speeches were solemn, and often featured apologies to Wes for failing to perform well enough or achieve certain results over their last four years.

36. Wes's "boys will be boys" outlook resulted in women and male fencers having entirely different experiences as Division One Penn State athletes. Women fencers suffered under Wes's pervasive sexism and missed out on the once-in-a-lifetime experience of an enriching college fencing career.

37. Rather than treat the women fencers as the premiere athletes they were, Wes relegated them to demeaning, stereotypical gender-based roles. For example, Zara and the other women fencers were responsible for sewing and patching equipment for not only themselves, but also for the male fencers. And while Wes treated the men's captain as a true leader and representative for the team, the women's captain had no real responsibilities other than those Wes believed belonged to women like stocking the snack table. During press interviews, Zara and her fellow women teammates were often told to sit there, be quiet, and look pretty. Again, Wes made



sure that women athletes missed out on the leadership and publicity opportunities experienced by their male teammates.

38. Troublingly, Wes forced Zara and other women athletes to compete while injured. As Zara explained to Mr. Boland, this only exacerbated their injuries. Wes called his injured female athletes “weak” and “lazy” and accused them of lying. He believed women athletes were simply not tough enough and told them so regularly. He relied upon stereotypical and sexist views that women exaggerate their injuries or can’t handle pain. Yet when male fencers suffered similar or identical injuries, Wes never doubted them and encouraged them to rest and recover.

39. Wes’s sex-based harassment was not sporadic or isolated. He relegated his women fencers like Zara to second-class citizens. He believed he could say anything he wanted to Zara and her female teammates because he was a man, and they were women. He believed Zara and the women fencers should be skinny, quiet, and pretty. He demeaned Zara and shamed her repeatedly about her physical appearance. He shamed and humiliated women fencers publicly about their body hair—something that Wes found offensive and “disgusting” to his ideals of women’s beauty. He felt comfortable speaking publicly about Zara’s and other women’s menstrual cycles. Rather than coaching them on any performance issues, he often attributed any performance issues to a woman fencer being on her period or premenstrual hormones. These are elite athletes. But Wes made sure they felt small and confined to their gender roles of overly emotional women, who cannot perform athletically during their monthly cycles. Wes engaged in this conduct not just a handful of times. Rather, Wes’s sex discrimination permeated the team, day in and day out.

40. Before encountering Wes, Zara had never needed mental health services. Nor had she ever suffered an eating disorder. Nor had she needed prescription medications for panic attacks, anxiety, insomnia, or PTSD. Rather, she was a happy high school senior, thrilled to be competing

at her dream school, and with her entire future ahead of her. Indeed, she had clear Olympic prospects. But Wes's sex-based harassment and discrimination was so severe and pervasive that it resulted in Zara suffering a multi-year eating disorder and body dysmorphia, panic attacks, anxiety, insomnia, PTSD, and weekly therapy and mental health medications that continue today. She came to Penn State to fulfill her goals of elite fencing. But by the time she had suffered a few years of Wes's conduct, her mental health prevented her from continuing to compete internationally. These were opportunities that Division I athletes like Zara had because of Wes's connections in the fencing community and Penn State's highly ranked fencing program. But these opportunities and, ultimately, her Olympic dreams were destroyed. And she grew to hate the sport she once loved.

41. In sum, Wes's sex-based harassment was so severe, pervasive, and objectively offensive that it effectively barred Zara's access to the educational opportunity her fencing scholarship provided and the benefit of participating in Penn State's Division I athletics.

#### **Wes Glon's Conduct was Continuing in Nature**

42. Wes Glon's sex-based discrimination was part of a continuing practice, and the last act evidencing that continuing practice fall within the statutory time limitation, so all his conduct throughout Zara's tenure at Penn State (2017–2021) falls within the applicable statute of limitations under Pennsylvania's continuing violation theory. *Schengrund v. Penn St. Univ.*, 705 F. Supp. 2d 425, 433 (M.D. Pa. 2009). Importantly, Pennsylvania's continuing violation theory applies to Title IX claims. *See Schengrund*, 705 F. Supp. 2d at 433 (equitable tolling applies in Title VII case); *Summy-Long v. Penn. State Univ.*, 226 F. Supp. 3d 371, 411 (M.D. Pa. 2016), *aff'd* 715, F. App'x 179 (3d Cir. 2017 (noting that a "considerable body of case law instructs that when analyzing a Title IX claim courts should apply Title VII jurisprudence")); *Doe v. Mercy Catholic*

*Med. Center*, 850 F.3d 545, 566 (3d Cir. 2017) (assuming but not holding that the continuing-tort violation doctrine applies to Title IX claims).

43. Wes's derogatory and demeaning sex-based comments and behavior constituted a pattern that he repeated day after day and year after year. In other words, his conduct did not constitute discrete actionable offenses that must be considered independently. And his last act evidencing that continuing practice—his continued, demeaning, and sex-based behavior—occurred within the statutory time period (April 2020). So, Wes's earlier Title IX violations are captured in this matter, too.

**Penn State Had Actual Notice of Wes's Gender-Based Harassment**

44. The women fencers were terrified of reporting Wes for fear of retaliation. Wes frequently cut off women fencers who had wronged him, and Zara and the other women fencers did not want to jeopardize their scholarships or fencing careers by reporting his egregious conduct.

45. Still, upon information and belief, Penn State administrators and compliance officers received numerous reports regarding Wes Glon's misconduct towards women fencers and the deeply rooted sexism on the team.

46. In fact, when Zara reported Wes's misconduct to Bob Boland and other Penn State compliance officials in March and April 2021, Mr. Boland responded that Penn State compliance had already received numerous reports of sexism and abuse on the fencing team in the past. Indeed, Mr. Boland was not at all surprised by Zara's reports. To the contrary, he already knew about the circumstances on the fencing team with regard to Wes's sex-based harassment and mistreatment of women fencers.

47. Thus, Penn State's knowledge is not based upon one or two unknown officials' suspicions of harassment. Nor is Penn State's knowledge a mere knowledge of a possibility of or

potential for discrimination. Rather, Penn State had actual knowledge of discrimination since Bob Boland, Penn State's Athletics Integrity Officer, told Zara that he and other compliance officers had already received similar reports of Wes Glon's sexism towards fencers in the past. Hearing reports of sexism displayed by a Division One Coach to his athletes is sufficient to indicate discrimination on the team. And Penn State can reasonably be said to have been aware of the danger of discrimination of as a result.

48. Discovery, including written discovery, document production, and depositions, will reveal information including which individuals made these reports, which individuals received the reports, the form of the reports, the substance of these reports, and the dates of the reports.

**Penn State Was Deliberately Indifferent to Wes Glon's Sex-Based Harassment**

49. Despite the appropriate officials having actual notice of a cancer destroying the women's fencing team, they made no attempts to remedy the situation. Upon information and belief, Penn State officials never meaningfully investigated these reports or took corrective action.

50. Discovery, including written discovery, document production, and depositions, will reveal information including Penn State's response, if any, to the above-described reports about Wes Glon's Title IX violations.

51. Discovery will also likely confirm exactly what Mr. Boland admitted to Zara in the spring of 2021—that despite these known Title IX violations, Penn State kept Wes around because “it's difficult to find fencing coaches.” Penn State also liked Wes's prestige in the fencing community, and his connections with national, international, and Olympic figures. Wes was an influential and powerful figure in the fencing community—with a clear connection to the U.S. Olympics fencing team. Penn State officials prioritized keeping Wes at Penn State over protecting its women athletes.

52. So, Penn State deliberately ignored these Title IX violations, allowing Wes to continue with his old tricks and continue to torment Zara based upon her sex.

53. Penn State's inaction amounted to an official decision not to remedy the situation.

**COUNT ONE**  
**Sexual Harassment in Violation of Title IX**  
**20 U.S.C. §1681, et seq. (Deliberate Indifference)**  
**(Penn State)**

54. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as if fully stated herein.

55. Plaintiff Zara Moss attended Penn State, an educational institution receiving federal funds, from 2017–2021.

56. Zara and her fellow female teammates were subjected to harassment based upon their sex. Specifically, and as described above, Wes held women fencers to sexist stereotypes about girls' physical appearance, leadership capabilities, expectations that they take care of the male fencers, expectations that they look pretty, keep quiet, and be well-behaved, expectations they be thin, that they shave their body hair, as well as untrue and degrading stereotypes about menstruation, hormones, girls being overly emotional and sensitive, girls being weaker than boys, girls needing a boyfriend to be happy, and girls exaggerating about pain and injuries.

57. Wes intended to humiliate, ridicule, and intimidate Zara and the other women fencers.

58. Moreover, sexual harassment on the Penn State fencing team was a real problem. Female fencers reported sexual harassment, and several women Penn State students (not on the fencing team) accused male fencers of physical and sexual assault. While those male fencers were removed from the team, Wes never publicly reprimanded their conduct. And Penn State's response was meaningless. It required the fencers to attend three hours of sexual assault and

harassment training. But the male and female fencers did not attend these trainings together. Rather, the women attended the mandatory sessions, and the men attended the sessions separately. Nothing further was done, and nothing changed on the team. In fact, Wes publicly accused the women fencers who accused their teammates of sexual harassment as overly dramatic.

59. Women fencers knew they would not be believed were they to report sexual harassment or assault and watched Wes defend his assistant coach after he was accused of sexually assaulting an adult woman coach. This created an atmosphere of fear and submissiveness for Zara and the other women fencers.

60. Instead of promoting women fencers' talents and leadership skills, Wes had them tend to traditionally female tasks like clothes repair and food preparation. And because Wes believed women were weak, he forced them to train and compete while injured—subjecting them to serious and permanent injuries as a result. But because Wes saw male athletes as tough and capable, he took their injuries seriously and allowed them to rest and recover. These stereotypes of men and women constitute sex-based discrimination because Wes expected Zara, as a woman, to conform to gender-based stereotype and was therefore less suited to be an effective fencer. Wes's sex-based harassment was so severe, pervasive, and objectively offensive that it effectively barred Zara's access to the educational opportunities her fencing scholarship provided, as well as the benefits of participating in Penn State's premiere fencing program and, ultimately, in the Olympics.

61. Penn State officials, including Bob Boland, Matt Stolberg, and Christopher James, among others, had actual knowledge of sex discrimination on the fencing team. And they had authority to address the discrimination on the fencing team—indeed, it was their job to do so. In March 2021, Zara reported Wes's misconduct to these individuals and, upon request, provided the

names of other victims. Mr. Boland admitted that Penn State had already received numerous reports of sexism on the team and complaints of Wes's misconduct.

62. But Penn State did nothing to remedy the problem after those earlier reports, and it did nothing after Zara's reports, either. Wes continued to harass and abuse Zara and the women fencers and, upon information and belief, continues to discriminate against his female fencers today.

63. Penn State's failure to investigate or adequately respond to student reports regarding sex discrimination on its fencing team amounted to deliberate indifference.

64. Penn State is responsible for Wes's Title IX violations as a result.

**COUNT II**  
**Negligence/Gross Negligence**  
**(All Defendants)**

65. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as if fully stated herein.

66. Wes Glon, as the head fencing coach, owed a duty to its college athletes like Zara to provide her with a safe sport environment, use appropriate and functioning equipment, coach with knowledge and skills of instructional training, sufficiently supervising the athletes, warning athletes and their parents regarding safety risks on the team, providing proper medical care, and preventing sexual harassment and discrimination.

67. Wes breached these duties to Zara by, as detailed above, failing to create a safe sport environment for her, failing to use appropriate equipment during practices with Zara, failing to coach with knowledge of skills and instructional training and resorting to verbal and psychological abuse, failing to provide or facilitate the necessary medical care Zara needed for her fencing-related injuries, and failing to prevent sexual harassment and discrimination on his team.



68. Wes Glon's breach of his duty to Zara Moss and negligence/gross negligence proximately caused Zara's Moss's damages as set forth in this Complaint, including without limitation, damages for emotional distress, physical distress, loss of educational and athletic opportunities, loss of future prospects as a competitive fencer, including at the Olympics, loss of future career and sponsorship prospects, economic injuries, and other direct and consequential damages.

69. Penn State, too, owed Zara Moss a duty to protect her from physical and psychological abuse by one of its employees.

70. Zara Moss was a Division I Penn State athlete, who Penn State recruited and granted a full scholarship.

71. Penn State hired Wes Glon in 1985, and Wes Glon has been a Penn State fencing coach ever since with the exception of his suspension and probation described above.

72. At all times relevant to this Complaint, Wes Glon was Penn State's men's and women's head fencing coach, and he coached Zara Moss from 2017–2021.

73. Wes Glon physically and psychologically abused Zara Moss in his capacity as a Penn State coach, on Penn State property, and while Zara Moss was training and/or competing on behalf of Penn State.

74. Wes Glon sexually harassed Zara and engaged in sex-based discrimination towards her in his capacity as a Penn State coach, on Penn State property, and while Zara Moss was training and/or competing on behalf of Penn State.

75. Penn State had special relationship with Zara Moss, a college athlete it recruited to fence for its elite fencing team and awarded her a full scholarship to do just that.

76. From that special relationship, arose Penn State's a duty to protect Zara Moss from repeated and ongoing physical and psychological abuse, as well as sex-based discrimination and harassment, at the hands of its employee and head coach of its Division I fencing program.

77. Wes Glon's abuse of Zara was foreseeable because Penn State had received past complaints of Glon's inappropriate conduct and mistreatment towards both student athletes and other coaches.

78. Penn State, therefore, had a duty to have in place reasonable measures to protect Zara Moss from abuse by her coach, including, but not limited to, closely monitoring Wes Glon and Penn State fencers, responding to and investigating all informal and formal complaints involving Wes Glon, and reasonably respond in a way to ensure that a student athlete was not tormented for her entire career as a Division I Penn State athlete.

79. Penn State breached its duty by failing to have protective measures in place or utilizing any protective measures to protect Zara Moss from her coach's abuse.

80. Penn State also breached its duty to investigate any complaints or reports of misconduct involving its head fencing coach and its student athletes, as well as its duty to closely monitor Wes Glon and his interactions with fencers.

81. Penn State's failure to protect Zara Moss was unreasonable in light of the potential for and magnitude of harm.

82. Penn State's breach of its duty to Zara Moss proximately caused Zara's Moss's damages as set forth in this Complaint, including without limitation, damages for emotional distress, physical distress, loss of educational and athletic opportunities, loss of future prospects as a competitive fencer, including at the Olympics, loss of future career and sponsorship prospects, economic injuries, and other direct and consequential damages.

**COUNT III**  
**Failure to Train/Supervise**  
**(Penn State)**

83. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as if fully stated herein.

84. Regarding Wes Glon's intentional misconduct and to the extent it fell outside of the scope of his employment, Penn State failed to exercise ordinary care to prevent an intentional harm committed on its premises.

85. Additionally, Penn State had a duty to train its employees like Wes Glon on proper coaching techniques, sex discrimination, stereotype-based sex discrimination, and Title IX requirements.

86. Penn State breached that duty by, despite having actual notice of issues of sex discrimination by its head fencing coach, failing to investigate those issues. Such an investigation could have included, for example, interviews with assistant or volunteer coaches, trainers, athletes, family members, and others with potential personal knowledge of Wes Glon's behavior as a coach. Penn State also could have instructed its compliance supervisors to meet with Wes Glon to discuss these concerns, observed Wes Glon's practices, required Wes to attend additional trainings on Title IX compliance and sexual harassment, and coach him on the same.

87. Instead, Penn State athletics compliance did not want to "rock the boat" and ignored these complaints and reports rather than addressing them head on.

88. As a result of Penn State's breach of its duty, Wes Glon continued to engage in sex-based discrimination against women fencers like Zara while Penn State compliance either failed to acknowledge the seriousness of these issues or deliberately ignored them in order to retain its prestigious fencing coach.

89. Penn State's breaches proximately caused Zara Moss's damages as set forth in this Complaint, including without limitation, damages for emotional distress, physical distress, loss of educational and athletic opportunities, loss of future prospects as a competitive fencer, including at the Olympics, loss of future career and sponsorship prospects, economic injuries, and other direct and consequential damages.

**COUNT IV**  
**Negligent and Intentional Infliction of Emotional Distress**  
**(All Defendants)**

90. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as if fully stated herein.

91. Penn State deliberately ignored the sex discrimination and harassment of its own fencing coach directed towards its own student athletes and allowed it to continue for years.

92. Penn State intentionally placed the success of its fencing program and its head coach's prestige over protecting its women athletes like Zara from severe and pervasive sex-based discrimination and harassment.

93. The conduct of Defendant Penn State, by and through the conduct, acts, and/or omissions of Defendants, was either intentional, negligent, and/or grossly negligent as pertaining to Plaintiff.

94. The acts and/or omissions of Defendants were also either intentional, negligent, and/or grossly negligent as pertaining to Plaintiff.

95. Defendants' actions and/or omissions were in furtherance of Penn State's financial interests and driven by Penn State placing money and prestige over the safety of its student athletes.

96. Defendants' acts and/or omissions arose of Defendants' duties to Plaintiff to act in good faith and take her reports against Glon seriously.

97. Defendants' acts and/or omissions constituted a breach of duty or duties that Defendants owed to Plaintiff.

98. It was reasonably foreseeable to Defendants that their conduct, actions, and/or omissions constituting a breach of their duty or duties owed to Plaintiff would cause Plaintiff severe emotional distress or harm.

99. Regarding Wes Glon, Glon verbally and psychologically abused Zara Moss for four years. He routinely told her she was worthless and a waste of scholarship money. Zara, desperate to remain at Penn State on scholarship and pursue her dream of fencing at Penn State, lived in constant fear that Wes would rip all of that away from her. And he had the power to do so. On an ongoing basis, Wes attacked Zara's physical appearance, telling her that she fenced better when she was unhealthily thin. Time after time, Wes forced Zara to train and compete while injured and in pain. Wes habitually called Zara lazy, weak, and an embarrassment to Penn State. He publicly humiliated her—for example, announcing at a team meeting that Zara had single handedly made Team USA lose to Ukraine at a competition in Belgium the week before, when in fact, Zara had the highest indicator of anyone on the team. He did this to turn Zara's teammates against her because her teammates were not at the competition in Belgium and did not know Wes was lying. Wes also once lied to Zara that he had polled other women fencers her age on whether they ever spent time with Zara or if she had any friends. He then cruelly told Zara they said they never hung out with her and that she did not have any friends. Wes then taunted Zara—saying she had no friends. He also took advantage of Zara's vulnerability and isolated her further. He demanded she stop communicating with her mom and sisters—her sole support system. According to Wes, Zara was weak for needing her family. Wes's intentional cruelty was extreme and outrageous and went beyond all grounds of decency.

100. Wes's conduct was committed in the scope of his employment for Penn State, as he used these cruel tactics as a method of coaching and with the perverse incentive to maintain Penn State's prestige in the fencing community and bring home wins for the University, which in turn, allowed the University to recruit talent. Once these recruits, like Zara, landed their dream of fencing at Penn State, or received full scholarships to attend Penn State, they then had to endure years of harassment, intimidation, cruelty, and abuse at the hands of their coach.

101. Wes's misconduct turned Zara off the sport of fencing. Still, though, Wes believed his approach was best and that Penn State's success in the sport was thanks to him.

102. Wes weaponized his prestige and influence in the fencing community against Zara. She depended upon him for not only the success of her career in fencing but also her scholarship at Penn State. He viewed himself as invincible, and unfortunately, Penn State made that viewpoint a reality by allowing him to get away with whatever he wanted. Consequently, Zara could not escape her tormenter, and no one at Penn State did anything to help her.

103. Defendants' intentional and/or or negligent, or grossly negligent conduct led Zara to develop an eating disorder and body dysmorphia. She sent her mom disturbing texts about her weight, saying cruel things about her body.

104. Defendants' conduct left Zara with severe panic and anxiety symptoms, insomnia, nightmares, and PTSD.

105. As a result of Defendants' conduct, Zara needed prescription anxiety medications for her panic attacks and anxiety. Zara began taking anxiety medications her freshman year at Penn State and continues to take them today.

106. As a result of Defendants' conduct, Zara sought out psychological services during her freshman year fencing for Wes. Zara continues to need weekly psychological therapy today as she is still recovering from the effects of Defendants' conduct.

107. This severe emotional distress and damage was directly and/or proximately caused by the negligent, grossly negligent, and/or intentional conduct, acts and/or omissions of Defendants and/or each Defendant.

108. Plaintiff has been damaged as more specifically set forth herein and, due to the manner and character of the conduct, acts and/or omissions of Defendants, and/or each Defendant, Plaintiff is entitled to an award of punitive damages.

**COUNT V**  
**Respondeat Superior**  
**(Penn State)**

109. Plaintiff repeats and realleges the allegations contained in the preceding paragraphs of the Complaint as if fully stated herein.

110. Penn State is liable for Wes's tortious acts under Pennsylvania's law of *respondeat superior*.

111. At all times relevant to this Complaint, Wes Glon was the head coach of Penn State's fencing program. Wes's tortious conduct occurred while he was acting in the scope of his employment.

112. Wes's conduct as described in this Complaint is not different in kind from that authorized or too little actuated by a purpose to serve the employer. Rather, the facts, as described, support a reasonable inference that Wes was acting in furtherance of his employer's (Penn State's) business (fencing program).



113. Rather, Wes chose to coach with fear and verbally and psychologically tormented Zara at all fencing practices, lessons, training, and tournaments. Wes strove to get results for Penn State at all costs. And it was Zara who paid the price.

114. Penn State, which is a state-related institution, is not entitled to Eleventh Amendment immunity and is vicariously liable for damages Zara sustained as a result of Wes's tortious conduct.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court:

- (a) order Penn State to perform a thorough investigation into Wes Glon's past and ongoing treatment towards former and current women Penn State fencers;
- (b) award Zara Moss compensatory and punitive damages in an amount to be determined at trial, including without limitation, damages for emotional distress, physical distress, loss of educational and athletic opportunities, loss of future prospects as a competitive fencer, including at the Olympics, loss of future career and sponsorship prospects, economic injuries, and other direct and consequential damages;
- (c) award prejudgment interest;
- (d) award attorney's fees and costs pursuant to statutory or common law doctrines providing for such award; and
- (e) grant such other and further relief that the Court deems just and proper.

Respectfully submitted,

/s/ Chelsea C. Weaver

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Attorneys for Plaintiff

Zara Moss

**JURY DEMAND**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by Jury.

/s/ Chelsea C. Weaver

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Amended Complaint was filed electronically and served electronically on the following counsel of record, this 15<sup>th</sup> day of July, 2022:

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